

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christina Vuong	Team: Team # 3	CCRB Case #: 201402941	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/20/2014 10:15 AM	Location of Incident: Bay Parkway and Avenue P; § 87(2)(b) [REDACTED]	Precinct: 62	18 Mo. SOL 9/20/2015	EO SOL 9/20/2015	
Date/Time CV Reported Fri, 03/28/2014 11:35 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/28/2014 11:35 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Chow	02566	944437	062 PCT
2. SGT Daniel Watson	03583	942690	062 PCT
3. POF Jacqueline Catalano	03330	948768	062 PCT
4. POM Stanley Mateo	08797	947804	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Kevin Frein	00333	915743	062 DET
2. DT3 John Divers	04207	903814	062 DET

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Chow	Abuse: At Bay Parkway and Avenue P in Brooklyn, PO Anthony Chow stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Anthony Chow	Abuse: At § 87(2)(b) [REDACTED] in Brooklyn, PO Anthony Chow detained § 87(2)(b) [REDACTED]	[REDACTED]
C.POF Jacqueline Catalano	Abuse: PO Jacqueline Catalano entered § 87(2)(b) [REDACTED], in Brooklyn.	[REDACTED]
D.POM Stanley Mateo	Abuse: PO Stanley Mateo entered § 87(2)(b) [REDACTED], in Brooklyn.	[REDACTED]
§ 87(4-b), § 87(2)(g) [REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Case Summary

On March 20, 2014 at 10:15 a.m., PO Anthony Chow, PO Stanley Mateo, and PO Jacqueline Catalano of the 62nd Precinct stopped § 87(2)(b) inside the Seth Low Playground, located at Avenue P and Bay Parkway in Brooklyn (**Allegation A**) (encl. C1-2). The officers suspected § 87(2)(b) to be the perpetrator that had recently been exposing his genitals to children. PO Chow obtained § 87(2)(b) identification and after a brief interaction, § 87(2)(b) was allowed to leave.

Approximately half an hour later, PO Chow, PO Catalano, and PO Mateo went to § 87(2)(b) apartment, located at § 87(2)(b), in Brooklyn. § 87(2)(b) exited into the hallway where PO Chow handcuffed him (**Allegation B**). PO Catalano and PO Mateo then allegedly entered the apartment (**Allegations C and D**).

§ 87(2)(b) was taken to the 62nd Precinct stationhouse and his arrest was entered into the Command Log (encl. E1), but he was later released without the arrest being processed. § 87(2)(b) was not arrested or issued any summonses as a result of the incident.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation, § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On February 20, 2015, the New York City Comptroller's Office confirmed that § 87(2)(b) has not filed a Notice of Claim in regard to this incident (encl. H1).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. B5).
- PO Chow has been a member of the service for four years and there are no substantiated allegations against him. § 87(2)(g)
- PO Mateo has been a member of the service for six years and there are no substantiated allegations against him. § 87(2)(g)
- PO Catalano has been a member of the service for four years and this is the first CCRB complaint in which she is involved (encl. B3).
- Sgt. Watson has been a member of the service for eight years. A prior CCRB complaint was made against him for unrelated allegations and is still pending investigation (encl. B4).

Potential Issues

- § 87(2)(b) was contacted via phone on February 10, 2015 for additional follow-up questions (encl. C10).
- § 87(2)(b) § 87(2)(b) § 87(2)(b) son, who was inside of the apartment when PO Chow, PO Mateo, and PO Catalano were present, was not contacted for a witness statement by the previously assigned investigators. On February 20, 2015, § 87(2)(b) was finally contacted via phone and provided a detailed phone statement to the CCRB (encl. C13). § 87(2)(g)

- § 87(2)(b) described three officers as approaching him by the park (encl. C3-10). PO Chow did not recall his partners, and PO Catalano did not recall the incident (encl. D3-5, D11-12). Sgt. Watson only knew of PO Chow and PO Catalano being involved in the incident (encl. D21-22). After an MISD check conducted on January 29, 2015 revealed that PO Mateo ran a search of § 87(2)(b) name on the date of the incident, he was identified by the investigation as the third officer (encl. I17). He was interviewed at the CCRB on February 19, 2015 (encl. D15-17).
- PO Chow was initially interviewed by the CCRB on October 7, 2014 (encl. D3-5). On February 26, 2015, PO Chow was re-interviewed at the CCRB for additional follow-up questions and to address the detainment allegation (encl. D6-7).

Findings and Recommendations

Explanation of Officer Identification

§ 87(2)(b) alleged that PO Catalano, PO Chow, and PO Mateo approached him in the park, with PO Catalano asking him for his identification (encl. C3-10). While PO Mateo acknowledged questioning § 87(2)(b) PO Chow stated that he was the lead officer initiating the interaction with § 87(2)(b) and the officer who took his identification (encl. D3-7, D15-17). § 87(2)(g)

§ 87(2)(b) and his wife § 87(2)(b) alleged that PO Catalano entered the apartment and knocked on § 87(2)(b)'s bedroom door (encl. C3-10, C11). § 87(2)(b) separately alleged that PO Mateo also entered the apartment with PO Catalano but remained in the living room. § 87(2)(g)

PO Chow stated that no supervisor instructed him to detain § 87(2)(b). Although Sgt. Watson is listed in the Command Log as the supervisor verifying the arrest entry for § 87(2)(b) Sgt. Watson arrived at the apartment after § 87(2)(b) was already handcuffed by PO Chow. § 87(2)(g)

Allegations not pleaded

- **Abuse of Authority:** In her phone statement on August 26, 2014, § 87(2)(b) stated that five minutes after § 87(2)(b) was led away in handcuffs, two plainclothes officers, identified by the investigation as Det. Kevin Frein and Det. John Divers of the 62nd Precinct Detective Squad, stepped inside her apartment to speak to her (encl. C11). However, on January 15, 2015, she was again contacted by phone and clarified that she gave the officers verbal consent to enter her apartment (encl. C12). § 87(2)(g)

Allegation A-Abuse of Authority: At Bay Parkway and Avenue P in Brooklyn, PO Anthony Chow stopped § 87(2)(b)

It is undisputed that a Hispanic male perpetrator by the name of § 87(2)(b), eventually identified and arrested on March 21, 2014, had on four separate occasions on March 11, 2014 and March 17, 2014 been flashing young women under the age of 15, within the confines of the 62nd Precinct (encl. F1-29). It is undisputed that PO Chow and PO Catalano approached and questioned § 87(2)(b) who was standing by the fence to the basketball courts located at Bay Parkway and Avenue P. It is undisputed that in the course of the questioning, PO Chow determined that § 87(2)(b) drove a pick-up truck. It is undisputed that the officers obtained § 87(2)(b) identification.

PO Chow stated that prior to the incident date, he had personally interviewed one of § 87(2)(b) victims, whose name he did not recall, and she had provided the following physical description: 30 to 40 year old Hispanic man with facial hair, wearing a hoodie and dark sunglasses, holding rosary beads, and with paint on his clothes (encl. D3-7). He and numerous officers of the 62nd Precinct were specifically assigned to a school detail to search for the perpetrator. PO Chow stated that on the incident date, § 87(2)(b)

§ 87(2)(b) perfectly matched the description. PO Chow did not recall how much facial hair § 87(2)(b) had. PO Chow was further concerned because § 87(2)(b) was staring into the children's playground, and there was a junior high school across the street, I.S. 96, located at West 12th Street and Avenue P. § 87(2)(b), § 87(2)(f), § 87(2)(a)

§ 87(2)(b) a stocky, 5'7" tall, § 87(2)(b) Hispanic man, acknowledged wearing a hoodie and sunglasses, reciting the rosary, and telling the officers he worked in construction (encl. C3-10). Although he denied having thick facial hair, he acknowledged the possibility he had a five o' clock shadow at the time of the incident. § 87(2)(b) stated that both PO Chow and unidentified plainclothes detectives at the 62nd Precinct stationhouse informed him that he resembled the perpetrator, and that the perpetrator was wearing a hoodie and sunglasses.

§ 87(2)(b) the cumulative description of § 87(2)(b) was of a heavy-set Hispanic man in his 30s with a thin beard, pockmarked face, in a grey jacket and black boots, with a white Ford pick-up truck (encl. F1-29).

No record of a relevant Stop, Question, and Frisk report was located (encl. E15-18).

A Google Streetview Map of Bay Parkway and Avenue P showed that the location was within .7 miles of all three locations where § 87(2)(b) reportedly exposed himself to the female minors (encl. G1-2).

In order to stop an individual, an officer must have reasonable suspicion that an individual has committed a crime. People v. DeBour, 40 N.Y.2d 210 (1976) (encl. A1-11).

§ 87(2)(g)

§ 87(2)(b)

Allegation B- Abuse of Authority: At § 87(2)(b), in Brooklyn, PO Anthony Chow detained § 87(2)(b)

It is undisputed that § 87(2)(b) lied to PO Chow, PO Mateo, and PO Catalano about the color of his pick-up truck. It is undisputed that § 87(2)(b) was handcuffed by PO Chow and taken to the 62nd Precinct stationhouse, where he was questioned by the Detective Squad.

§ 87(2)(b) arrest entry in the Command Log noted the charge as an unspecified violation of local law (encl. E1). As confirmed through a search of the NYPD Bookings, Arraignments, and Dispositions database, the arrest entry was voided and never processed (encl. F30). § 87(2)(b)

In PO Chow's re-interview, when asked whether at the time of the initial stop, § 87(2)(b) was committing any crime, PO Chow stated that he had observed § 87(2)(b) commit a minor infraction, the specifics of which he no longer recalled (encl. D6-7). § 87(2)(g) . PO Chow speculated the violation was something "small," like littering, but he was not sure. PO Chow stated that he did not bring it up in conversation with § 87(2)(b) during the stop, and that because of § 87(2)(b) cooperation, he used his discretion not to issue a summons. PO Mateo did not know of any potential violations § 87(2)(b) was guilty of. § 87(2)(b) denied doing anything else by the park apart from standing on the sidewalk against the basketball court fence reciting his rosary.

PO Chow stated that after returning to the precinct stationhouse, he conducted a search using § 87(2)(b) pedigree information and determined that § 87(2)(b) possessed a white pick-up truck and lied about it, which made him more likely to be the perpetrator. At that time, PO Chow stated that he was "100% sure" that § 87(2)(b) was the perpetrator and determined to go to § 87(2)(b) residence to find out why he lied and for further investigation.

PO Chow and PO Mateo consistently stated that § 87(2)(b) was not under arrest when the officers went to his apartment, and that he was given a choice to come with the officers. PO Mateo stated that § 87(2)(b) was explicitly informed by one of the officers that he could later present himself on his own to the Detective Squad, or voluntarily come with the officers to the stationhouse at that time, while PO Chow stated that he only asked if § 87(2)(b) had a ride to the stationhouse (encl. D6-7, D15-17). PO Chow stated that his question implied that if § 87(2)(b) had his own means of transportation to the precinct, the issue would not be pressed. PO Chow stated that after § 87(2)(b) said no, PO Chow asked if § 87(2)(b) was willing to leave with the officers, and § 87(2)(b) replied yes. § 87(2)(b) stated that PO Chow told him he "had to come with them" to the stationhouse, and indicated that no choice was given to him.

PO Chow and PO Mateo consistently stated § 87(2)(b) was informed by an officer that if he went with them to the stationhouse, due to officers' unmarked RMP lacking a cage barrier between the front and rear seats, he would need to be restrained in handcuffs for safety purposes. PO Chow stated that § 87(2)(b) verbally consented to be handcuffed, while PO Mateo did not recall how § 87(2)(b) conveyed consent. § 87(2)(b) and § 87(2)(b) did not recall any officer explaining why § 87(2)(b) had to be placed in handcuffs (encl. C3-10, C13). § 87(2)(b) stated that he assumed that he was being placed under arrest.

§ 87(2)(g) .

Team:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date